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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/803,560

Filing Date: March 17, 2004

Appellant(s): GLASSMAN ET AL.

Christopher M. Tobin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/21/07 appealing from the Office action
mailed 12/27/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,508, 706 Sitrick et al. Jan. 21,2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Sitrick et al. (U.S. Patent No. 6,508,706).

Sitrick discloses the following:

Claim 28, 34, a method for displaying synchronized contests involving characters associated with portable devices, the method comprising:

Claim 28, 34, a method for displaying synchronized contests involving characters associated with portable devices, the method comprising:

associating with a first portable device (301 in Fig. 3) a first character (cols. 7:65-8:6) having a first status level (elements of the persona. col. 8:2-56);

detecting a second portable device (302 in Fig. 3) within a proximity of the first portable device (cols. 10:45-57, 11:32-40), a second character having a second status level (elements of the persona. col. 8:2-56) being associated with the second portable device (cols. 7:65-8:6);

comparing a first status level with the second status level (cols. 8:9-12, 9:15-56);
and

displaying on the first portable device a an animated graphical display involving a contest (interactions between ETCs are based on the persona ranking, cols. 8:7-13, 9:15-56) between the first and second character (each portable device displays a synchronized animated graphical display, cols. 4:46-58, 6:55-62, 11:7-22), wherein the animated graphical display of the contest is displayed as a synchronized single continuous event on both of the first portable device and the second portable device (a unified game such as a role playing game can be played, col.4:16-26; where each device displays the active game, cols. 4:52-58, 6:55-62, 11:7-22), with an outcome of the contest being determined based upon the comparison of the first and second status levels (col. 11:1-31).

Claims 29, 35, 41, the synchronized graphical display is separately displayable on the second portable device while it is being displayed on the first portable device (each device can provide an active game with an associated display, col. 4:46-58).

Claims 30, 36, 42, a winner of the contest is shown in the synchronized graphical displays, the winner being based upon the comparison of the first and second status levels (comparison of the persona, cols. 8:15-56, 9:15-56).

Claims 31, 37, 43, the first status level is adjusted based upon the outcome of the contest (the persona is modified after an interaction, col. 8:9-12).

Claims 32, 38, a hierarchy module establishes the first status level (persona 210 in Figure 2, cols. 7:65-8:56).

Claims 33, 39, a wireless tag module respectively transmits and receives profile information corresponding to the first and second devices, the profile information accommodating association of the first and second characters with the first and second devices (acoustic interface 134 of Figure 1 transmits and receives profile information, in the form of game rules, and all other communications between all cards 301-307 of Figure 3).

Claim 40, a portable device for displaying synchronized contests involving characters associated with portable devices, the portable device comprising:

- a storage module, which stores an association of a first character having a first status level for the portable device (col. 10:32-35);
- a detection module, which detects a second portable device within a proximity of the portable device, a second character having a second status level being associated with the second portable device [An RF tag module for transmitting profile information to other devices and for receiving profile information from other devices (131 in Fig. 1). Furthermore, an acoustic interface 134 of Figure 1 transmits and receives profile information, in the form of game rules, and all other communications between all cards 301-307 of Figure 3];
- a hierarchy module, which compares the first status level with the second status level (persona 210 in Figure 2, cols. 7:65-8:56);
- a display module, which displays on the portable device an animated graphical display of a contest (interactions between ETCs are based on the persona ranking, cols. 8:7-13, 9:15-56) between the first and second characters, wherein the animated graphical display of the contest is displayed as a synchronized single continuous event on both the first portable device and the second portable device (a unified game such as a role playing game can be played, col.4:16-26; where each device displays the active game, cols. 4:52-58, 6:55-62, 11:7-22), with an outcome of the contest being determined based upon the comparison of the first and second status levels (cols. 4:46-58, 10:35-38).

Claim 44, a wireless tag module, which respectively transmits and receives a first profile information and a second profile information corresponding to the portable device and the second portable device, the first profile information and second profile information respectively accommodating association of the first and second characters with the portable device and the second portable device. Sitrick et al. disclose an RF tag module for transmitting profile information to other devices and for receiving profile information from other devices (acoustic interface 134 of Figure 1 transmits and receives profile information, in the form of game rules, and all other communications between all cards 301-307 of Figure 3).

(10) Response to Argument

The Appellant argues that Sitrick does not teach limitation of displaying on the first portable device an animated graphical display of a contest between the first and second characters, wherein the animated graphical display of the contest is displayed as a synchronized single continuous even on both the fist portable device and the second portable device. However, Sitrick teaches multiple portable devices (electronic trading cards ETCs, col. 6:30-42), wherein each device is associated with a character (col. 4:3-7), and connected (Fig. 3) to interact and play a game (col. 4:16-26). The game played is a synchronized contest involving the characters associated with the ETCs, where statistics of different persona are used to determine the winner of the contest (i.e. winner will gain wealth and the other will lose wealth, col. 9:15-56). Each

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device can provide an active game associated with a display (col. 4:53-58). A display such as an LCD is used to portray the individual ETC in an animated graphical representation (cols. 6:55-62, 11:12-31).

More specifically, the Appellant argues that there is no mention whatsoever of an animated graphical display involving a contest. However, Sitrick discloses the electronic trading cards provide visual communication through an electronic display (col. 6:55-59). Two portable devices can be connected to play an active role-playing game (col. 4:16-24). When the two devices are connected to interact with each other, each device displays the active game (col. 4:55-56). Therefore both devices display an animated graphical display involving a game. Sitrick also discloses the game involves transfer of "possessions" from one device to another (col. 9:15-17). The transfer is governed by the statistics of the character (i.e. one ETC of a specific rank encounters one of a higher rank and with a larger degree of Aggressiveness, there might result a transfer of Wealth from the former to the latter.). Therefore the game compares values of the character elements between the two electronic trading cards. In the current example, Aggressiveness is compared. A game that elects the winner by comparing values is considered to be a contest. Race contest compares the value of time, by electing the winner with the shortest time. A sport contest compares the value of score, by electing the winner with the highest score. In this case, the winner of the Sitrick's electronic card game contest is decided by the higher value element.

Furthermore, the Appellant argues that Sitrick does not teach a displaying synchronized single continuous event on both the first and second portable devices. As

discussed in the above paragraph, Sitrick discloses displaying an animated graphical display of a contest on both the first and second portable devices. Sitrick specifically discloses two devices interact to play a role-playing game (col. 4:1616-24). A role-playing game is considered to be a synchronized single continuous event. If two devices are interacting to a role-playing game, then a synchronized single-continuous event is being played. Each device provides an active game with an associated display (col. 4:55-56). The active game is the role-playing game that is played by the two interacting devices. Therefore each device displays a synchronized single continuous event, wherein the synchronized single continuous event is a role-playing game. It is also noted that the claim limitation of "displaying a synchronized single continuous event" does not imply that the same continuous images are displayed at the same time on the two devices. As discussed above, the synchronized single continuous event could be a game event. For example, a car race contest could be a single continuous event. If two display devices display the same car race at the same time, at two different views; one display device displaying the cockpit view, and the other display device displaying a bird's-eye view, then the two display devices display a synchronized single continuous event.

The Appellant further argues that Sitrick does not teach the claim elements of displaying on the first portable device an animated graphical display of a contest between the first and second characters, wherein the animated graphical display of the contest is displayed as a synchronized single continuous even on both the fist portable device and the second portable device as discussed above, by reciting passages of

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Sitrick and cited in the prior Office Action. However, the cited passages were used to describe other elements of the claimed invention. As discussed above, Sitrick teach the claim elements of displaying on the first portable device an animated graphical display of a contest between the first and second characters, wherein the animated graphical display of the contest is displayed as a synchronized single continuous even on both the fist portable device and the second portable device.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jasson H Yoo



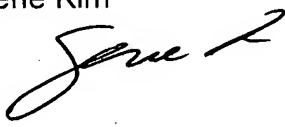
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